VIRGINIA LAW REGISTER.

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OUR readers will observe both from the cover and the contents of the present number the fulfillment of the announcement heretofore made, of Mr. George Bryan's connection with the REGISTER as Associate Editor.

WE are glad to present to our readers with this number a portrait of Judge James Keith, President of the Virginia Court of Appeals. This may well take the place of the learned President's supposed likeness in the group-portrait which we perpetrated upon our subscribers with a previous number. We hope to continue this series until the *amende honorable* has been made in this behalf to each member of the court, as well as to our subscribers.

THE REGISTER has from time to time published opinions of our *nisi prius* courts upon subjects of interest. It is our purpose to continue the custom in the future, giving even more space to such opinions than heretofore. In this number we present the views of Judge Morris and of Mayor Smith in the baggagemen's cases. Opinions of the lower courts, in many of the States of the Union, are regularly published by private enterprise, and are in great demand by the profession. They are, it is true, not binding precedents, but they are always persuasive—especially upon points of practice. We instance Pennsylvania District Reports, advance sheets of which appear soon after the decision is made, and are placed at once in the subscribers' hands. With the five hundred-dollar jurisdictional limit of appeal in Virginia, our lower courts are necessarily frequently called upon to pass on novel questions which cannot reach our appellate court. We should be glad to have the co-operation of the judges of our circuit and corporation courts towards the end proposed.

AT the recent meeting of the American Bar Association at Denver, Colorado, Prof. R. C. Minor, of the University of Virginia Law School,

read a paper before the section of Legal Education, on "A Plea for a Higher Standard for Graduation."

It is a noteworthy circumstance that amid the widespread clamor of recent years for reform in the substance and methods of legal education, the subject of a higher standard in graduating examinations has received so little attention. In the revolution that has recently taken place in the leading law schools, we hear much about the academic training that the law student must possess—the number of hours he must hear lectures in the law school each week, and the number of years this must continue—the number of teachers the law school should have, and the methods that these should use to make their teaching most effective—all of which is well enough, but, as if by common consent, the most important consideration of all, namely, *what legal knowledge shall be required of the student* before he receives his diploma of graduation, seems to have been studiously avoided. The prevailing idea appears to be that if the student has had the required academic training, and has attended the prescribed number of lectures, for the prescribed number of weeks per year, during the prescribed number of years, he must necessarily have absorbed enough of legal learning to entitle him to graduation—and, in consequence, we find few law schools, even among those which deservedly stand in the front rank, whose graduating standard is not low enough to practically let through all candidates otherwise qualified. Prof. Minor's paper is a plea for a change in this respect, and it is to be hoped that some good may come of it.

WE have learned with gratification of the conviction of the assassin of President McKinley on the eighteenth day after the assault. The impaneling of the jury was attended with nothing of the delay which marked the opening of the Molineux case (tried some eighteen months ago, and at this writing still pending in the Court of Appeals of New York), though the entire country had of course both formed and expressed an opinion touching the guilt or innocence of Czolgosz. Neither was there anything of the badgering of talesmen with all manner of irrelevant questions, which the press of New York, with practically one voice, now demands shall be by statute rendered impossible in future in the criminal practice of that State. The trial was conducted by Justice White with dignity and dispatch, and the solemn lesson taught to all of Czolgosz's way of thinking that they may expect nothing more of the American people than a short shrift and a tight rope,

or a sufficient electric voltage, as the *lex loci* may provide. We rejoice that Justice in this case has struck with an iron hand, without traveling with its traditional leaden heel.

The arguments of counsel in the case are, however, proper subject for professional comment. That for the defense, if such it could be called, impresses us as absolutely unique. We have read it carefully, and, but for the newspaper headlines classifying it as a defense, we might easily have mistaken it—certainly five-sixths of it—for the argument for the prosecution. It has throughout a perfunctory and personally apologetic tone, as utterly foreign to the ideal defense as it was uncalled for by the facts. The world knew the circumstances of the connection of counsel with the cause, and respected the learned counsel for their recognition of their duty as sworn officers of the court. *They* were not upon trial, yet several paragraphs of the "plea" as published are consumed in an explanation to the jury and the country, which country they were, of why counsel for the defense were doing their duty. "Good sirs," they seem to say, "do not include us in the verdict of guilty which you will of course render."

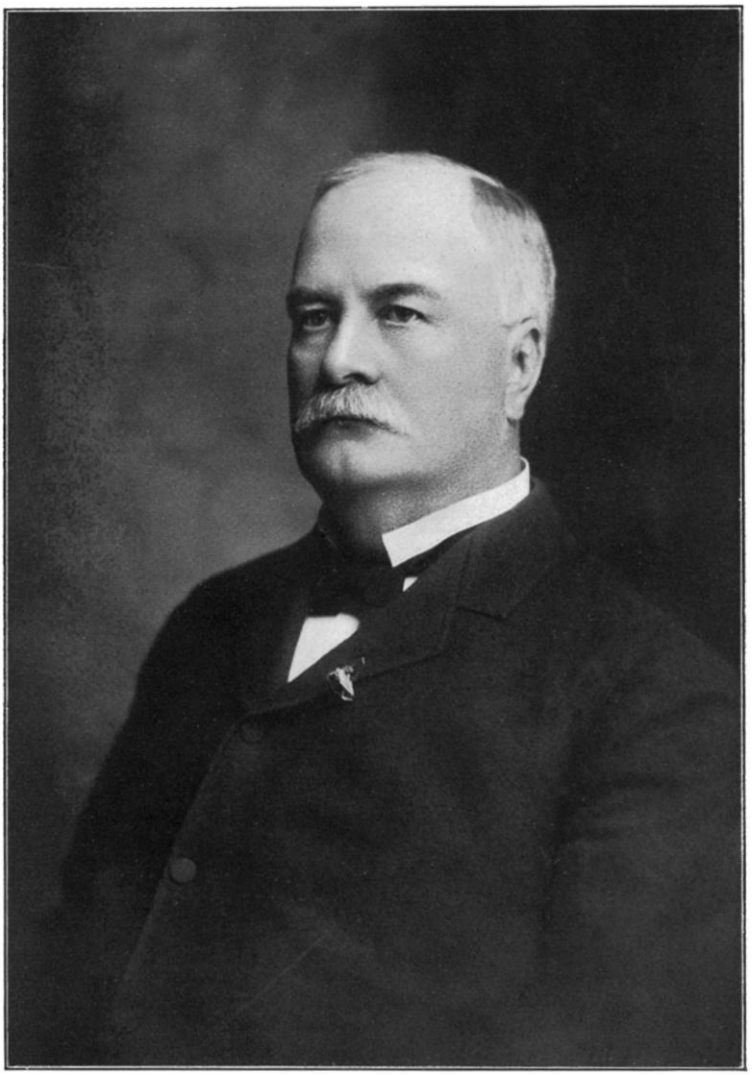
A portion of the speech is devoted to a congratulation of the community and nation that the prisoner had not been promptly lynched. The speaker referred to a case of lynching in the South which he "had read of in a newspaper," though he might have taken near-at-hand illustrations of mob violence from his sister States of Ohio, Indiana and Illinois; and if he had wished to lay especial emphasis upon his "point" he might have instanced the recent burning at the stake of a negro in the town of Leavenworth, Kansas. But of course these cases did not occur to him.

The remainder of his "argument" consisted of an anecdote of how William H. Seward once saved a negro from being lynched in the State of New York, and of a vivid statement of the enormity of his client's crime. In the comparatively short time in which he addressed himself to anything resembling a defense of the prisoner, he took square issue with the court. He said: "We start with the assumption that the defendant was not mentally responsible for the crime which he committed," though the court charged the jury that "the law presumes the defendant in this case sane."

Upon the whole case, and after all proper allowances made for the difficulties of preparing a defence entirely without the aid or suggestion of the accused, we think that the attorney making the argument would have done well to follow the course of his two associates, and to

have submitted the case without argument. All must agree that his remarks benefited the prisoner in no degree whatever, while his panegyric upon "the orderly conduct of the people of the city of Buffalo," when all men know that it was only prompt police action and the actual secretion of the prisoner which saved him from the summary vengeance of the same people, was as devoid of fact as his unkindly mention of the South—a section of the country than which none deplored more sincerely the tragedy of September sixth or gave more fitting expression to its grief—was devoid of taste. If, in the judgment of the learned counsel, the occasion was one for congratulation of any kind, it should have been in the direction of the efficiency of the police department of Buffalo.

We cannot conscientiously even pay the argument the always-doubtful compliment of calling it "a model of its kind."



JUDGE JAMES KEITH

President of the Supreme Court of Appeals of Virginia